

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: :
: Chapter 11
NORTHWESTERN CORPORATION, :
: Bankruptcy Case No. 03-12872
Debtor. :
:

MAGTEN ASSET MANAGEMENT CORP. and :
LAW DEBENTURE TRUST COMPANY OF :
NEW YORK, :
: Plaintiffs, :
: Civil Action No. 04-1494-JJF
v. :
: NORTHWESTERN CORPORATION, :
: Defendant. :
:

MAGTEN ASSET MANAGEMENT CORP., :
: Plaintiff, :
: Civil Action No. 05-499-JJF
v. :
: MIKE J. HANSON and ERNIE J. :
KINDT, :
: Defendants. :
:

O R D E R

WHEREAS, the Debtor, Northwestern Corporation has filed, in each of the above-captioned actions, a Motion In Limine Striking Expert Reports and Precluding Testimony of Paul A. Marcus and Robert W. Berliner (D.I. 267 in Civil Action No. 04-1494; D.I. 304 in Civil Action No. 05-499);

WHEREAS, Defendants Ernie Kindt and Mike Hanson have filed in the action to which they are a party, a Motion in Limine To

Strike And Exclude Expert Witnesses (D.I. 302 in Civil Action No. 05-499);

WHEREAS, Plaintiffs in the above-captioned actions, have requested the Court to stay briefing on all of the Motions In Limine which implicate issues under Daubert v. Merrell Dow Pharm, Inc., 509 U.S. 579 (1993);

WHEREAS, separate responses have been filed by Northwestern Corporation and Defendants Kindt and Hanson;

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. Briefing on Northwestern's Motion In Limine Striking Expert Reports and Precluding Testimony of Paul A. Marcus and Robert W. Berliner (D.I. 267 in Civil Action No. 04-1494; D.I. 304 in Civil Action No. 05-499) is **STAYED**.

2. Briefing on the Motion To Strike And Exclude Expert Witnesses filed by Defendants Hanson and Kindt (D.I. 302 in Civil Action No. 05-499) is **STAYED**.

3. Any motions in limine to be filed in the above-captioned actions shall be filed with the respective Pre-Trial Order.

January 18, 2008
DATE

Joseph J. Fama, Jr.
UNITED STATES DISTRICT JUDGE